



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

March 11, 1988

Honorable Harold R. Schmidt
Mason County Attorney
Mason County Courthouse
Mason, Texas 76856

LO-88-27

Re: RQ-1357

Dear Mr. Schmidt:

We are responding to your request by letter rather than formal opinion because your questions have already been addressed in a previous opinion.

You ask whether Mason County can legally contract with a private, non-profit corporation for the provision of health-care services. Attorney General Opinion JM-65 (1983) restated the well-established rule that a county may contract with a private party for the provision of services that the county is authorized to provide.

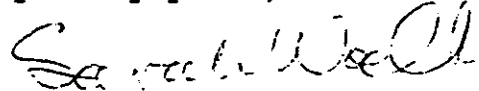
We pointed out in JM-65 that a county has various duties and obligations in the area of health care. See art. 4414b, §1.07 (county is authorized to spend money for public health measures); art. 4438f (Indigent Health Care and Treatment Act); see also art. 4436b. Indeed, a county is required to provide health care for indigents who are residents of the county unless the indigents are also residents of the area a hospital district or public hospital has an obligation to serve. V.T.C.S. art. 4438f, §2.02. A county may fulfill that obligation by contracting with a private provider. Id., §3.02(a).

As we pointed out in JM-65, however, a county does not have unlimited authority to contract with a private provider of health services. The county must receive

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adequate consideration, and the services contracted for must be services that the county is authorized to provide. It is the responsibility of the county to determine that those requirements are met.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Sarah Woelk".

Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/bc

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cc: Gerald Geistweidt